



MEMORANDUM

Not On

Agenda Item No. 7(P)(1)(B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. DATE: December 16, 2003
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

SUBJECT: Resolution Declaring the Acquisition of Land for the Construction of SW 42 Street (Bird Drive), from SW 162 Avenue to SW 157 Avenue to be a Public Necessity; and authorizing the County Manager and the County Attorney to Acquire the Right-of-Way in fee simple

RECOMMENDATION

It is recommended that the Board approve the attached resolution declaring the acquisition of land required for the right-of-way necessary for the construction of SW 42 Street (Bird Drive) between SW 162 Avenue and SW 157 Avenue to be a public necessity. Said resolution further authorizes the County Manager and the County Attorney to employ appraisers, review appraisers and expert witnesses; obtain required environmental audits; and acquire the right-of-way at appraised value and terms, or by eminent domain proceedings, including a declaration of taking as necessary.

BACKGROUND

Miami-Dade County is proposing to construct SW 42 Street (Bird Drive) from SW 162 Avenue to SW 157 Avenue. Construction of the aforementioned roadway is essential to alleviate serious existing traffic congestion in this rapidly developing area of West Miami-Dade County, and to provide safe access for the citizens of this area of the county.

The use of a Declaration of Taking ("Quick Take") is requested to acquire the properties without delay, so that construction may proceed on schedule. As is the case in all "Quick Take" proceedings, Miami-Dade County is committed to acquire the land at a price ultimately established by jury trial.

Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 16, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Not On
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Please note any items checked.

- ☒ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

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12-4-03

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF SW 42 STREET (BIRD DRIVE) FROM SW 162 AVENUE TO SW 157 AVENUE TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO EMPLOY APPRAISERS, TO OBTAIN REQUIRED ENVIRONMENTAL AUDITS, AND TO ACQUIRE THE RIGHT-OF-WAY AT THE APPRAISED VALUE AND TERMS, OR BY EMINENT DOMAIN PROCEEDINGS, INCLUDING A DECLARATION OF TAKING AS NECESSARY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board declares the acquisition in fee simple of the parcel of land necessary for the construction of SW 42 Street (Bird Drive) from SW 162 Avenue to SW 157 Avenue as legally described in said Exhibit "A" (the Subject Property) and shown in said Exhibit "B" to be a Public necessity and is in the best interest of Miami-Dade County; and authorizes and directs the County Manager and the County Attorney to employ appraisers, review appraisers and expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the Subject Property in fee simple by donation, purchase, or by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner
, who moved its adoption. The motion was
seconded by Commissioner
and upon being put to a vote, the vote was as follows:

| | |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson | |
| Katy Sorenson, Vice-Chairperson | |
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Betty T. Ferguson | Sally A. Heyman |
| Joe A. Martinez | Jimmy L. Morales |
| Dennis C. Moss | Dorrin D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.
Thomas Goldstein

By _____
Deputy Clerk

LEGAL DESCRIPTION

Parcel 1

That portion of Tract 61 in Section 17, Township 54 South, Range 39 East, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD. IN DADE COUNTY, FLORIDA, according to the plat thereof recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida lying within the South 80.00 feet of Section 17, Township 54 South, Range 39 East, Miami-Dade County, Florida.

Parcel 2

That portion of Tract 63 in Section 17, Township 54 South, Range 39 East, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD. IN DADE COUNTY, FLORIDA, according to the plat thereof recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida lying within the South 80.00 feet of Section 17, Township 54 South, Range 39 East, Miami-Dade County, Florida.

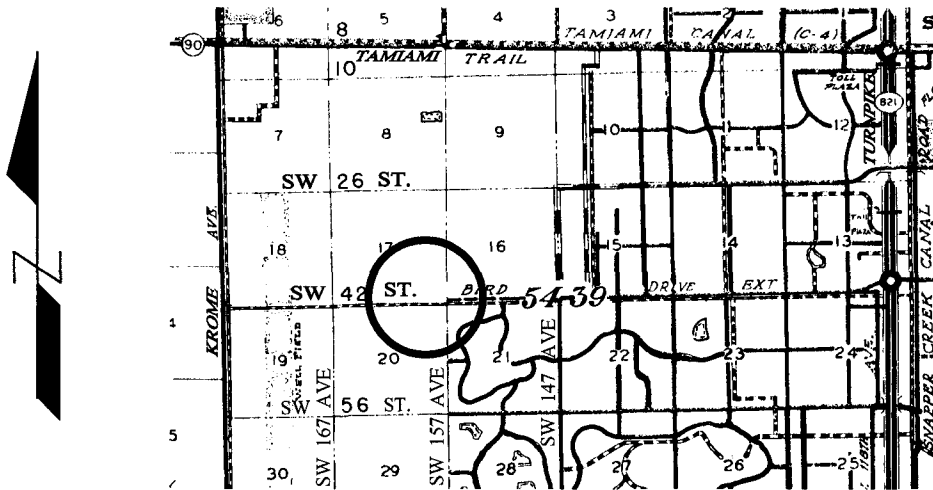
Parcel 3

That portion of Tract 64 in Section 17, Township 54 South, Range 39 East, of the SUBDIVISION OF LANDS OF THE MIAMI EVERGLADE LAND CO. LTD. IN DADE COUNTY, FLORIDA, according to the plat thereof recorded in Plat Book 2 at Page 3 of the Public Records of Miami-Dade County, Florida lying within the South 80.00 feet of Section 17, Township 54 South, Range 39 East, Miami-Dade County, Florida.

EXHIBIT "A"

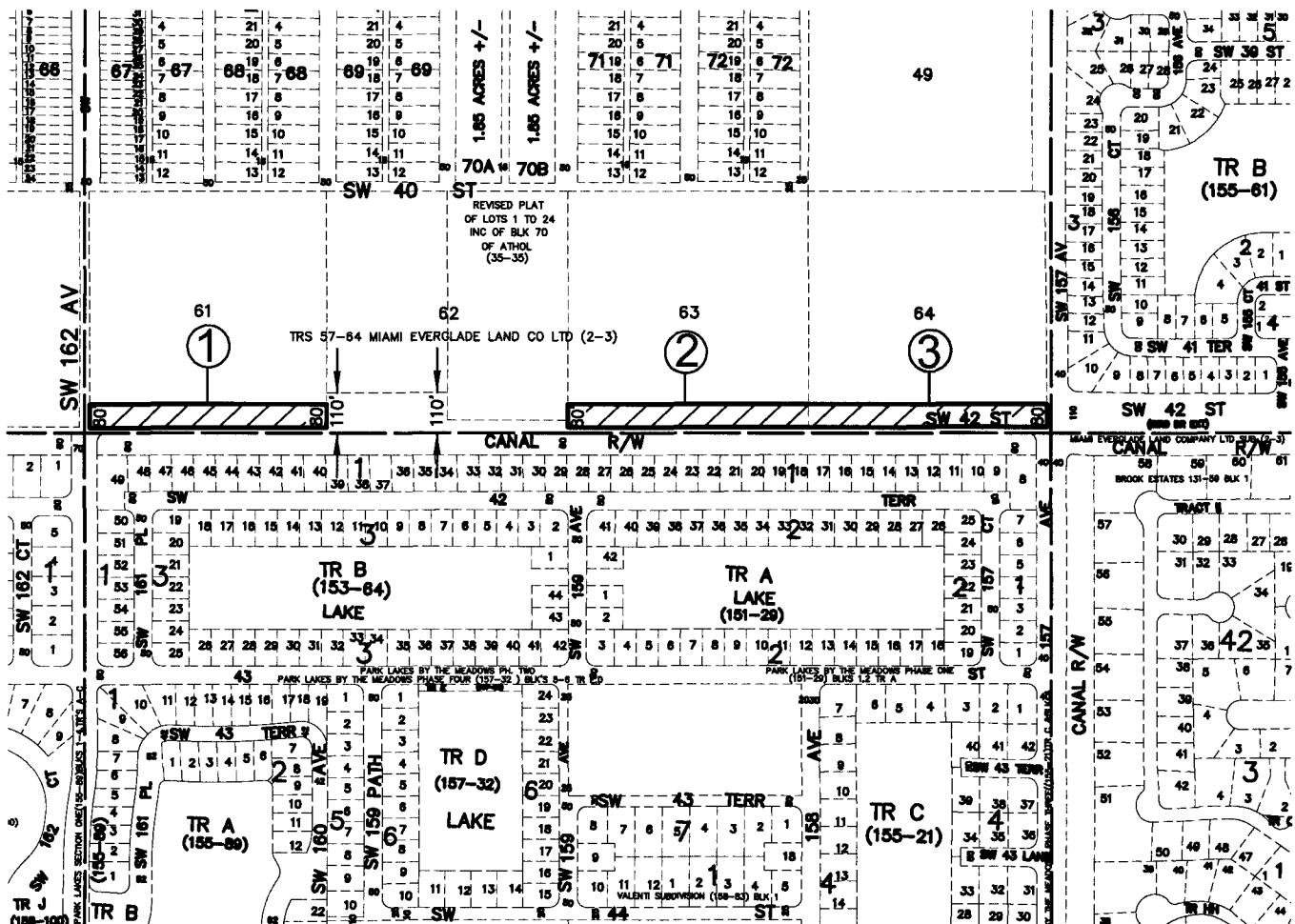
SEC 17
TWP 54 S
RGE 39 E

SW 42 ST (BIRD DRIVE)
SW 162 Ave to SW 157 Ave



LOCATION MAP

Not to Scale



R/W to be Acquired

NOT A SURVEY
SCALE 1" = 500'

EXHIBIT "B"